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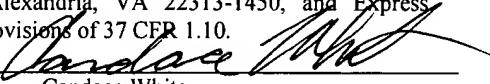
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:) Docket No.: 4121-126
Applicant: BREITLING, et al.) Examiner: J. L. Grun
Application No.: 09/889,182) Art Group: 1646
Date Filed: January 10, 2002) Confirmation No.: 8533
Title: SELECTION OF) Customer No.: 23448
MONOCLOINAL ANTIBODIES)

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and Express Mailed under the provisions of 37 CFR 1.10.


Candace White

August 25, 2004

Date

EO 002 507 033 US
Express Mail Label Number

RESPONSE TO JULY 15, 2004 OFFICE ACTION
IN UNITED STATES PATENT APPLICATION NO. 09/889,182

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated July 15, 2004, Examiner Grun imposed a restriction requirement under 35 U.S.C. §121 against claims 1-20 and required that an election be made between one of the following groups:

Group I, includes claims 7, 8 and 17-19, drawn to a group of related products (encoding nucleic acids, vectors comprising the nucleic acids, and transformed host cells comprising the nucleic acids) sharing a

technical feature (i.e. specific nucleic acids) and a process of using said product;

Group II, includes claims 15 and 16, drawn to a given product (antibody binding protein);

Group III, includes claim 20, drawn to a given product (antibody); and

Group IV, includes claims 1-14, drawn to a process.

Applicants believe there would be a great economy of cost and effort on the part of the Office, and certainly to the applicants, if the closely related subject matter of Groups I - IV claims were examined together in this one application. Applicants maintain the subject matter of Groups I - IV define, but one invention, and do not possess sufficient differences to warrant issuance of separate patents.

In the event the requirement is adhered to, applicants provisionally elect with traverse, the invention of Group IV, for further examination on the merits.

Sequence Listing

In the July 15, 2004 Office Action, the Examiner indicated that the application does not comply with the requirements of 37 CFR §1.821 through 1.825 because every sequence disclosed in the figures is not listed in the Sequence Listing as filed (see e.g., figure pages 4/18, 5/18, 10/18, 11/18, 16/18 and 17/18).

In response, enclosed herewith are:

- (1) a paper copy of the document entitled "4121-126_third_submission.ST25" ("Sequence Listing");
- (2) a computer readable copy of the Sequence Listing recorded on August 25, 2004; and
- (3) a statement under 37 C.F.R. §1.821 (f) for the Sequence Listing.

It is noted that the sequence listed on figure page 4/18 is the same as those listed on figure pages 10/18 and 16/18. Analogously, the sequence listed on figure page 5/18 is the same as those listed on figure pages 11/18 and 17/18.

It is further noted that the additional protein sequences that are referenced by the Office are recorded backwards, whereby the first amino acid in the synthetic construct is sequentially the last amino acid listed. The amino acid sequences of the paper copy and computer readable copy submitted herein are recorded as expressed and thus are listed in their correct sequential order starting with amino acid number one.

With the submission herewith, the application fully complies with 37 CFR §1.821 through 1.825. Applicants request the Examiner acknowledge same.

Petition for Extension of Time/Fees Payable

Applicants hereby petition for a one (1) month extension of time, extending the deadline for responding to the July 15, 2004 Office Action from August 15, 2004 to September 15, 2004. The entry of this petition results in a petition fee of \$55.00. A credit card form in the amount of \$55.00 is submitted herewith in payment of the petition fee for a one-month extension. The U.S. Patent and Trademark Office is hereby authorized to charge any additional amount necessary to the entry of this amendment, and to credit any excess payment, to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

Respectfully submitted,



Marianne Fuierer
Reg. No. 39,983
Attorney for Applicants

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
P.O. Box 14329
Research Triangle Park, NC 27709
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File: 4121-126